

LUD 5353.7 DIV (10016357)

REMARKS

In connection with this amendment, the examiner is urged to review copending application Serial No.: 09/583,848, filed on May 31, 2000, and to confer with the examiners associated therewith.

Claims 67-84 replace the claims presented previously. As will be explained, infra, these claims are supported by the specification, parallel claims were allowed in the above referenced application, and these claims are allowable.

With respect to the new matter rejection, the new claims do not present the purportedly offensive language, so the rejection is moot. Applicants do wish to address the issues raised.

At page 7, lines 6-10 of the specification, applicants incorporate by reference Serial No.: 994,928. That means that the entirety of this application is a part of the application under consideration.

Serial number 994,928 issued as US Patent No.: 5,405,940. The '940 patent describes tumor rejection antigens and the nucleotide sequences which encode them. What applicants did, in the claims, was to recite the sections of SEQ. ID. NOS: 13, 14 and 15 which encode these tumor rejection antigens. They did so because the application under consideration makes clear that the molecules described herein, i.e., the tumor rejection antigen precursors, are processed to tumor rejection antigens. The tumor rejection antigen coding regions for MAGE-4 AND 41 were recited.

The sequences do not have to be identical if they encode the same amino acid string. The principle of codon degeneracy is well known. Applicants relied on no more than standard, art recognized techniques and knowledge, and what is in the specification as filed. There was no new matter issue.

With respect to the rejection over pages 4-5, the examiner is not addressing the prior remarks, but is substituting new argumentation.

The claims either recite SEQ. ID. NOS: 13, 14 or 15, or the coding regions of these sequences (these are the regions set out in triplet codon form, which is standard

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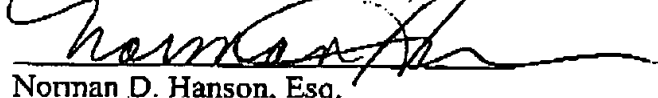
formatting for coding regions of nucleic acid molecules), and fragments of at least 27 coding nucleotides and no more than the full length sequences, of SEQ. ID. NOS: 13, 14, 15.

This language was specifically approved of in the parallel case, referred to supra, which shares a disclosure identical with this application. As such, the PTO must find the claims permissible.

All of the issues raised by the examiner are either moot, or addressed herein. Allowance of the application is proper and urged.

Respectfully submitted,

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